

PTO/SB/28 (08-03)

Approved for use through 07/31/2008. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING  
REJECTION OVER A PRIOR PATENT**Docket Number (Optional)  
**A1-1423**In re Application of: **Douglas R. Sparks**Application No.: **09/683,967**Filed: **March 7, 2002**For: **Micromachined Lysing Device and Method . . .**For: **Integrated Sensing**

The owner, **Systems, Inc.** of **100** percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. **6,477,901**. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record.

*Domenica N. S. Hartman* 12/30/03  
Signature Date

Domenica N.S Hartman

Typed or printed name

(219) 462-4999

Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

\*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).  
Form PTO/SB/98 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**HARTMAN AND HARTMAN, P.C.**  
**INTELLECTUAL PROPERTY ATTORNEYS**

552 EAST 700 NORTH  
VALPARAISO, INDIANA USA 46383-9729

GARY M. HARTMAN  
DOMENICA N.S. HARTMAN\*

\* Also Admitted to Practice in Michigan

TEL: (219) 462-4999  
FAX: (219) 464-1166

January 17, 2005

Office of Finance - Refund Branch  
Commissioner of Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

FAX # (703) 308-6778


Re: Refund of Incorrect Charges to Deposit Account 08-0960

The following amounts were charged in error to our deposit account 08-0960:

<u>Date</u>	<u>Sequence</u>	<u>S/N</u>	<u>Attorney Docket</u>	<u>Fee Code</u>	<u>Amount</u>
01/07/05	1	09/683,967	A1-1423	2814	\$55.00

We believe this charge for "Statutory Disclaimer" to be incorrect. We did not authorize this charge and do not believe it applies to this application. Please credit the amount of \$55.00 to our deposit account. Please feel free to contact the undersigned with any questions. Thank you.

Sincerely,

  
Domenica N.S. Hartman  
Reg. No. 32, 701

The information contained in this facsimile message is privileged or confidential information to be used only for the purposes intended by the individual or entity named above. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is neither allowed nor intended. If you have received this communication in error, please immediately notify us by telephone at the number specified above, and return the original message to us at the above address via the United States Postal Service. Postage will be reimbursed upon request.

Page 1 of 3

Attachments: Deposit Account Statement

**BEST AVAILABLE COPY**

**HARTMAN AND HARTMAN, P.C.**  
**INTELLECTUAL PROPERTY ATTORNEYS**

552 EAST 700 NORTH  
VALPARAISO, INDIANA USA 46383-9729

GARY M. HARTMAN  
DOMENICA N.S. HARTMAN\*

TEL: (219) 462-4999  
FAX: (219) 464-1166

\* Also Admitted to Practice in Michigan

January 17, 2005

Office of Finance - Refund Branch  
Commissioner of Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

FAX # (703) 308-6778

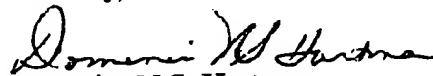
Re: Refund of Incorrect Charges to Deposit Account 08-0960

The following amounts were charged in error to our deposit account 08-0960:

<u>Date</u>	<u>Sequence</u>	<u>S/N</u>	<u>Attorney Docket</u>	<u>Fee Code</u>	<u>Amount</u>
01/07/05	1	09/683,967	A1-1423	2814	\$55.00

We believe this charge for "Statutory Disclaimer" to be incorrect. We did not authorize this charge and do not believe it applies to this application. Please credit the amount of \$55.00 to our deposit account. Please feel free to contact the undersigned with any questions. Thank you.

Sincerely,

  
Domenica N.S. Hartman  
Reg. No. 32, 701

The information contained in this facsimile message is privileged or confidential information to be used only for the purposes intended by the individual or entity named above. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is neither allowed nor intended. If you have received this communication in error, please immediately notify us by telephone at the number specified above, and return the original message to us at the above address via the United States Postal Service. Postage will be reimbursed upon request.

Page 1 of 3

Attachments: Deposit Account Statement

BEST AVAILABLE COPY

## Deposit Account Statement

Page 1 of



United States  
Patent and  
Trademark Office

BEST AVAILABLE COPY

## Deposit Account Statement

USPTO  
Home  
Page  
Finance  
Orders  
Shopping  
Page

Requested Statement Month: January 2005  
Deposit Account Number: 080960  
Name: HARTMAN & HARTMAN P C  
Attention: DOMENICA N.S. HARTMAN  
Address: 552 EAST 700 NORTH  
City: VALPARAISO  
State: IN  
Zip: 46383

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
01/05	42	10904497	A4-1847	8021	\$40.00	\$3,156.54
01/06	24	E-REPLENISHMENT		9203	-\$2,000.00	\$5,156.54
01/06	244	11026274	129179	1011	\$300.00	\$4,856.54
01/06	245	11026274	129179	1111	\$500.00	\$4,356.54
01/06	246	11026274	129179	1311	\$200.00	\$4,156.54
01/06	247	11026275	150601	1011	\$300.00	\$3,856.54
01/06	248	11026275	150601	1111	\$500.00	\$3,356.54
01/06	249	11026275	150601	1311	\$200.00	\$3,156.54
01/07	1	09683967	A1-1423	2814	\$55.00	\$3,101.54
01/10	15	60593357	A4-1877	2005	\$100.00	\$3,001.54
01/10	31	E-REPLENISHMENT		9203	-\$3,500.00	\$6,501.54
01/10	119	10250113	A3-1612	8021	\$40.00	\$6,461.54
01/11	7	10905258	149662	1001	-\$790.00	\$7,251.54
01/11	8	10905258	149662	1011	\$300.00	\$6,951.54
01/11	9	10905258	149662	1111	\$500.00	\$6,451.54
01/11	10	10905258	149662	1311	\$200.00	\$6,251.54
01/11	17	10905255	129143	1001	-\$790.00	\$7,041.54
01/11	18	10905255	129143	1011	\$300.00	\$6,741.54
01/11	19	10905255	129143	1111	\$500.00	\$6,241.54
01/11	20	10905255	129143	1311	\$200.00	\$6,041.54
01/11	28	E-REPLENISHMENT		9203	-\$1,100.00	\$7,141.54
01/11	117	5682783	94-403	2552	\$1,150.00	\$5,991.54
01/13	49	10905145	134698	1001	-\$790.00	\$6,781.54
01/13	50	10905145	134698	1011	\$300.00	\$6,481.54
01/13	51	10905145	134698	1111	\$500.00	\$5,981.54
01/13	52	10905145	134698	1311	\$200.00	\$5,781.54
01/13	64	10905143	136477	1001	-\$790.00	\$6,571.54
01/13	65	10905143	136477	1011	\$300.00	\$6,271.54
01/13	66	10905143	136477	1111	\$500.00	\$5,771.54
01/13	67	10905143	136477	1311	\$200.00	\$5,571.54
01/18	6	10604137	A3-1641	2501	\$700.00	\$4,871.54

BL... BLE COPY

01/17/05 MON 15:35 [TX/RX NO 8461] @002

## Deposit Account Statement

Page 2 of

01/18 7	10604137	A3-1641	1504	\$300.00	\$4,571.54
01/18 8	10604137	A3-1641	8001	\$30.00	\$4,541.54
01/18 23	E-REPLENISHMENT		9203	-\$1,000.00	\$5,541.54
01/18 75	10905258	149662	8021	\$40.00	\$5,501.54

START BALANCE	SUM OF CHARGES	SUM OF REPLENISH	END BALANCE
\$3,196.54	\$8,455.00	\$10,760.00	\$5,501.54

[Need Help?](#) | [Return to USPTO Home Page](#) | [Return to Finance Online Shopping](#)  
Page

BEST AVAILABLE COPY